

NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE

May 5, 2006

The Nebraska Commission on Law Enforcement and Criminal Justice met Friday, May 5, 2006 at 9:30 a.m. in Lower Level Conference Room A of the Nebraska State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. Legal notice of the meeting was published April 21, 2006 in the Lincoln Journal Star.

I. CALL TO ORDER

The meeting was called to order at 9:35 a.m. by Acting Chairman Matthew McNair. The following members were **in attendance**: Acting Chair Matthew McNair, Scott Arnold, Charles Brewster, William Brueggemann, Scot Ford, Charles Headley, Robert Houston, Gary Lacey, Paul Leseberg, Don Overman, Peter Pirsch, Bryan Tuma (arrived at 9:40am), Thomas Warren (arrived at 9:38am) and William White. **Members excused**: Jon Bruning, Susan Jacobs, Kathy Moore and James Riskowski. **Staff present**: Mike Behm, Rick Barnica, Nancy Steeves, Bruce Ayers, Monica Miles-Steffens, Jennifer Kirkpatrick, Chris Harrifeld, Mike Overton, Mike Dunkle and Sarah Schoen.

II. APPROVAL OF MINUTES

Motion

A motion was made by Overman and seconded by White to approve the minutes of the Crime Commission meeting of January 27, 2006; Nebraska Coalition for Juvenile Justice meeting of March 31, 2006; Violence Against Women Act Advisory Committee and Crime Commission Grant Review Committee meeting of April 5, 2006; Nebraska County Attorneys Standards Advisory Council meeting of April 7, 2006; and the Police Standards Advisory Council meetings of January 18, February 15 and March 15, 2006. The motion passed unanimously by acclamation.

The minutes of the Jail Standards Board meetings of January 13 and March 21, 2006, and the Community Corrections Council meeting of February 17, 2006 were provided for the member's review.

III. EXECUTIVE DIRECTOR'S REPORT

Mike Behm presented his executive director's report noting the following:

- Jennifer Doné was hired as the Administrative Assistant for the Community Corrections Council.
- Chris Harrifeld was hired as the Compliance Monitor for the Grants Division.
- Michael Dunkle was hired as the Analyst for the Information Services Division.
- He will be chairing a meeting at the annual LECC meeting in Kearney, May 17-19, 2006 with law enforcement representatives regarding the future of Byrne Funds. Funding and Task Force organization will be discussed.

- The selection process for the new Director of the Training Center continues. A total of 38 applications were received, 22 of which were from Nebraska. The 38 applicants were reduced to 16 for further consideration. On April 19, 2006, the Police Standards Advisory Council (PSAC) met and further reduced the applicants from 16 to 6. As of May 5, 2006, we have had two of the out-of-state applicants withdraw from the process, leaving four to interview on May 31 and June 1, 2006.
- Complimentary copies of the 2006 Criminal Justice directories were distributed to members of the Board, along with copies of the Traffic Stops in Nebraska Report.

IV. OLD BUSINESS

A. Update on revocation investigation of Douglas A. McCarty

Mike Behm reported he received the results of the investigation from Rick Barnica, Acting Director of the Training Center immediately prior to the Crime Commission meeting on May 5, 2006. Behm stated he had not had the opportunity to review the completed file; however, he will have the results of the findings ready to present to the Board at the July meeting.

B. 2005 Sheriff's Continuing Education Report

- Rick Eberhardt, Pierce County Sheriff

Mike Behm reported that per the Commission's request, he sent a letter to Rick Eberhardt requesting a letter be forwarded to the Commission explaining why he was unable to meet his training requirements by the set deadline. On February 10, 2006, Behm received a reply from Eberhardt stating that he had been waiting for a letter to be faxed to him as to some of his training hours. A copy of the letter was provided in the mailout for the May 5, 2006 Crime Commission meeting.

Based off the information provided, Behm recommended the Commission make a motion to consider the Eberhardt case to be closed.

Motion

A motion was made by Brewster and seconded by Houston to approve the case against Pierce County Sheriff, Rick Eberhardt, regarding his 2005 sheriff's continuing education report to be closed. Voting in favor of the motion: Arnold, Brewster, Brueggemann, Ford, Headley, Houston, Lacey, Leseberg, Overman, Pirsch, Warren and White. Motion carried unanimously.

C. Resolution of Thanks for Judge Thomas Dorwart

Mike Behm reported that per the Commission's request, he drafted a resolution for Judge Thomas Dorwart thanking him for his dedicated leadership, involvement on the Nebraska Coalition for Juvenile Justice and advocacy for alternatives to prison sentences.

The resolution of thanks was put into a plaque and forwarded to Judge Dorwart. A copy of the resolution sent was included in the mailout for the May 5, 2006 Crime Commission meeting.

Behm reported he received a note of thanks from Judge Dorwart thanking the Commission for the nice gesture and for thinking of him.

V. NEW BUSINESS

A. Nebraska Law Enforcement Training Center

1. Instructor Certifications

The Commission next considered two requests for professional instructor certifications, and two requests for professional instructor recertifications. PSAC's recommendations were reported by Charles Headley.

Motion

A motion was made by Warren and seconded by White to grant the following instructor certifications per Police Standards Advisory Council's recommendations: Professional Instructor Certification's to Gregory S. Cody, Lincoln Police Department and Todd R. Schmaderer, Omaha Police Department; Professional Instructor Recertification's to James Betts, Lincoln Police Department and Ken Koziol, Lincoln Police Department. Voting in favor of the motion: Arnold, Brewster, Brueggemann, Ford, Headley, Houston, Lacey, Leseberg, Overman, Pirsch, Tuma, Warren and White. Motion carried unanimously.

2. Rescind Operating Instruction 50-47; Law Enforcement Basic Certification Training Comprehensive Practical Testing

The Commission next considered the request to rescind Operating Instruction 50-47; Law Enforcement Basic Certification Training Comprehensive Practical Testing. PSAC's recommendations were reported by Charles Headley.

Bill Brueggemann discussed his concerns with the Board in reference to rescinding this OI. He stated that law enforcement receives two remediation attempts. If they fail the practical exam, they can be removed from the academy, but they have the option to appeal this decision. Brueggemann believes the goal of PSAC and the whole Law Enforcement Academy is to train officers properly for their safety in order to prevent lawsuits, which he agrees with. However, he also stated that there are other methods to train law enforcement on how to stay safe in their duties and make arrests without going through all the steps. For example, if a street officer on the street made an arrest and didn't do or see something right, he would be reprimanded or even possibly suspended. He would then be directed to training in order to fix the problem. By rescinding this OI, the terminated employees are removed from the academy taking it out of the hands of the chiefs and sheriffs to correct the problem. Brueggemann doesn't agree with this portion of it, and doesn't know the correct answer. He suggested possibly looking for another solution.

Charles Headley stated he agrees to a certain point. He agrees the practical skills are important to learn before the employees are on the street. However, he is unaware of the failure rate of students flunking out of this practical training. Rick Barnica, Acting Director for the Training Center, stated the failure rate for the practical training is very low. Headley then stated he believes the students should be given every latitude possible to correct problems before they go into the practical. It is very rare to have high failure rates in this portion of the training.

William White mentioned that at one time there was no remedial program. The Training Academy has worked hard to remedy this, and he believes every effort is being made by the academy to support and prepare these students.

Thomas Warren then posed the question of what rescinding this OI represents. Is it being replaced by something else? Barnica then mentioned that the Rules and Regulations were recently changed quite massively and basically ended up with two instruments trying to accomplish the same task. The old instrument is OI 50-47, and the new instrument is the Rules & Regulations, Title 79, Chapters 5 & 13.

Motion

A motion was made by Overman and seconded by Ford to rescind Operating Instruction 50-47 (Law Enforcement Basic Certification Training Comprehensive Practical Testing) per Police Standards Advisory Council's recommendations. Voting in favor of the motion: Arnold, Brewster, Ford, Headley, Houston, Lacey, Leseberg, Overman, Pirsch, Tuma, Warren and White. Voting against the motion: Brueggemann. Motion carried unanimously.

3. Revise Operating Instruction 50-20; Receipt of Basic Student Information Forms and Tuition Payment

The Commission next considered the request to revise Operating Instruction 50-20; Receipt of Basic Student Information Forms and Tuition Payment. PSAC's recommendations were reported by Charles Headley.

Motion

A motion was made by Brewster and seconded by Tuma to revise Operating Instruction 50-20 (Receipt of Basic Student Information Forms and Tuition Payment) per Police Standards Advisory Council's recommendations. Voting in favor of the motion: Arnold, Brewster, Brueggemann, Ford, Headley, Houston, Lacey, Leseberg, Overman, Pirsch, Tuma, Warren and White. Motion carried unanimously.

B. Training Center Budget Changes for Fiscal Year 2006/2007

Bruce Ayers updated the Board on the Training Center Budget Changes for the Fiscal Year 2006/23007. He stated that the Law Enforcement Improvement Fund (LEIF) court cost was scheduled to expire on January 1, 2007. LB 746 continues the LEIF court cost with no expiration date and reduces it from \$2.00 per court case to \$1.00.

There is also a provision in statute now that requires the Training Center to charge tuition for all pre-certification and certification training beginning January 1, 2007. LB 746 changes that date to January 1, 2011.

C. Legislative Interim Study Resolutions

Bruce Ayers stated that every year the legislature has the opportunity to introduce interim study resolutions. He only pulled out the study resolutions that affect law enforcement. Ayers pointed out that none of these study resolutions affect the Crime Commission directly, but they should be noted for information purposes.

D. Report on Compliance with 2005 Continuing Legal Education Requirements by County and Deputy County Attorneys

Mike Behm reported that official notifications were sent to all county and deputy county attorneys in noncompliance with Rule and Regulation, Title 78, Chapter 6.002 and .005 relating to the annual requirement of 20 hours of Continuing Legal Education.

Behm stated as per rule and regulation, if compliance is not reached or a request for a hearing with the Commission is not received within 60 days of the date of the mailing notice, the Commission shall report the noncompliance to the Attorney General for further action in accordance with Neb.Rev.Stat. §21-1212.

The Commission has received requests for waivers from all 23 county or deputy county attorneys listed as out of compliance with their 2005 CLE requirements. All others have met their annual requirement for training in 2005.

A waiver will allow the deficit number of hours to be added to their 20 hour training requirement for 2006. The County Attorneys Standards Advisory Council recommended that waivers be granted to the 23 county or deputy county attorneys listed.

Motion

A motion was made by Overman and seconded by Warren to accept the County Attorneys Standards Advisory Council's recommendations to grant waivers of 2005 Continuing Legal Education requirements as follows: 2 hours Crimes Against Children (CAC) to Charles Hamilton, Adams County; 14.5 hours to Steve Sunde, Cass County; .5 hours to Robert Westadt, Colfax County; 2 hours to include 1 hour radar training to Kim Watson, Dakota County; 1.5 hours to Kurt McBride, Dawson County; .5 hours to Aimee Cizek, Douglas County; 2.5 hours to Peter Garofalo, Douglas County; 20 hours to include 1 hour CAC training to William Ouren, Douglas County; 4.85 hours to Derek Vaughn, Douglas County; 20 hours to include 1 hour CAC training to Philip Pierce, Garden County; 12 hours to Lynnett Wagner, Hall County; 1 hour CAC training to Jack Zitterkopf, Hall County; 4.75 hours to George Vinton, Hooker County; 1 hour CAC training to Joseph Smith, Madison County; 1 hour CAC training to Timothy Brouillette, McPherson County; 4 hours to Ronald Colling, Polk County; 1 hour CAC training to Stephanie Hansen, Sarpy County; 1 hour CAC training to Michael Smith, Sarpy County; 20 hours to include 1 hour CAC training to Michael Smith, Sheridan County; 4 hours for 2004 and 20 hours to include 1 hour CAC training for 2005 to John Skavdahl, Sioux County; 9.75 hours to include 1 hour CAC training to Jennie Dugan-Henrichs, U.S. Attorneys Office (Douglas County); 1 hour CAC training to John Higgins, U.S. Attorneys Office (Dawson County); and 10 hours to include 1 hour CAC training to Thomas Kangior, U.S. Attorneys Office (Douglas County). Voting in favor of the motion: Arnold, Brewster, Brueggemann, Ford, Headley, Houston, Lacey, Leseberg, Overman, Pirsch, Tuma, Warren, and White. Motion carried unanimously.

E. Nebraska's 2006-2008 Violence Against Women Act State Implementation Plan

Jennifer Kirkpatrick gave a brief overview on the process they went through to develop the VAWA State Implementation Plan. First, the process started with community meetings being held across the state where people were invited from different entities to gather input on accomplishments, gaps and needs, and possible solutions to these gaps. Second, the participants were asked to prioritize all the input given during the community meetings, which were then compiled into a tool kit that was given to the VAWA Advisory Subcommittee. The

subcommittee then took the input and focused it down into the current state plan. Third, the input was narrowed down and focused under one of the following categories: coordinated response efforts and state response efforts, legislation issues, offender accountability, public awareness/education, training/technical assistance, unserved/under served victims, victim safety/services.

This plan, compared to the 2003-2005 plan, does not show any major shifts. There was a slight enhancement to the coordinated response efforts in that they added coordinated state response efforts in order to get everyone working together throughout the state and staying consistent with the issues identified. Currently out of all the remaining categories, the only one not included was the legislation issues for the focus of the 2006-2008 state plan.

Motion

A motion was made by Arnold and seconded by Headley to accept the Nebraska's 2006-2008 Violence Against Women Act State Implementation Plan. Voting in favor of the motion: Arnold, Brewster, Brueggemann, Ford, Headley, Houston, Lacey, Leseberg, Overman, Pirsch, Tuma, Warren and White. Motion carried unanimously.

F. Award of 2005 Violence Against Women Act (VAWA) Grant Funds - \$987,300 Plus \$80,000 in 2004 Funds

The Commission next considered requests for 2005 Violence Against Women Act grant funds. Kirkpatrick reviewed the funds available which included \$80,000 (one time turn back money) in 2004 funds and \$987,300 in 2005 funds for a total of \$1,067,300. It was noted the 2005 award was \$9,000 less than the 2004 award. Seventeen applications were received by the Commission requesting \$302,500 more than funds available. Of the seventeen applications, three were for new programs and fourteen were continuations. The review committee recommended denial of two applications that were given the opportunity to appeal, but none were received.

Motion

A motion was made by Headley and seconded by Ford to accept the funding recommendations for and contingency stipulations of award as outlined by the Grant Review Committee and the Violence Against Women Act Advisory Committee for the \$1,067,300 in 2005 Violence Against Women Act grant funds as follows:

DENY:

<i>Number</i>	<i>Agency/Title/Previous Award</i>	<i>Amount Requested</i>	<i>Staff Review Recommend</i>
05-VW-707	Human Services-Alliance (Domestic & Sexual Abuse Track) (\$0)	\$75,038	DENY
05-VW-714	Bright Horizons-Norfolk (Domestic & Sexual Violence Victim Assistance Program) (\$0)	\$47,452	DENY

AWARD:

<i>Number</i>	<i>Agency/Title/Previous Award</i>	<i>Amount Requested</i>	<i>Staff Review Recommend</i>
05-VW-700	CDVIP-No. Platte (Community Domestic Violence Intervention Program) (\$79,200)	\$120,753	\$80,200
05-VW-701	Lancaster Co. Justice Council-Lincoln (A Coordinated Response to Reducing DV) (\$202,723)	\$216,578	\$214,557
05-VW-702	Project Response-Auburn (Public Information Coordination Project) (\$30,437)	\$32,028	\$32,028
05-VW-703	Crisis Ctr. for DA/SA-Fremont (Coordinated Response: Intervention Advocate) (\$31,693)	\$44,213	\$42,930
05-VW-704	DVCC-Omaha (Douglas Co. Domestic Violence Coordinated Response) (\$230,000)	\$272,743	\$243,748
05-VW-705	NE State Patrol-Lincoln (Nebraska DV/SA Program V) (\$50,000)	\$32,280	\$19,750
05-VW-706	Attorney General's Office-Lincoln (Prosecutorial Response to Domestic & Sexual Violence) (\$67,000)	\$59,312	\$47,890
05-VW-708	Ctr. for SA/DV Survivors-Columbus (Coordinated Response System for DV, SA & Stalking) (\$45,000)	\$50,264	\$47,159
05-VW-709	Heartland Family Service-Bellevue (Sarpy Co. Coordinated Response Team) (\$88,500)	\$127,837	\$92,420
05-VW-710	SASA Crisis Center-Hastings (SASA Criminal Justice Response Effort) (\$43,000)	\$50,738	\$50,738
05-VW-711	Crisis Center-Grand Island (Coordinated Community Response Team) (\$23,457)	\$49,923	\$24,457
05-VW-712	Haven House-Wayne (Enhancement of Dakota County CRT) (\$55,000)	\$57,637	\$57,637
05-VW-713	The S.A.F.E. Center-Kearney (Five County Coordinated Community Response) (\$29,421)	\$33,417	\$30,421
05-VW-715	NE Office of Probation Admin.-Lincoln (State Office of Probation Admin. Domestic Violence Initiative) (\$0)	\$53,365	\$53,365
05-VW-716	Parent-Child Center-Lexington (Community Response for Dawson & Gosper Counties) (\$29,000)	\$31,760	\$30,000
	TOTALS	\$1,369,800	\$1,067,300

Voting in favor of the motion: Arnold, Brewster, Brueggemann, Ford, Headley, Houston, Lacey, Leseberg, Overman, Pirsch, Tuma, Warren and White. Motion carried unanimously.

G. Award of Juvenile Services Act 2006 Grant Funds - \$587,812

Monica Miles-Steffens reviewed the current level of available funds and the funding recommendations of the Nebraska Coalition for Juvenile Justice. She stated 31 applications were received requesting a total of \$1,039,936. The Juvenile Services Act has \$587,812 of 2006 grant funds to award. Ten new programs were proposed which included five mentoring programs, ten after-school programs, two wrap around programs and various community programs which were identified as needs in their community plans. The Grant Review Committee and the Coalition are recommending denying Rushville/Gordon. They are a second year applicant and have had issues in terms of implementation and meeting their goals and objectives. They have strayed quite a bit from the original intent of their grant and were given the opportunity to appeal and did not. The review committee's funding recommendations were for programs that fall primarily under prevention programs.

Motion

A motion was made by Brueggemann and seconded by Brewster to accept the Nebraska Coalition for Juvenile Service's funding recommendations and contingency stipulations of award for the \$587,812 in 2006 Juvenile Services Act grant funds as follows:

DENY:

<i>Number</i>	<i>Agency/Title/Previous Award</i>	<i>Amount Requested</i>	<i>Staff Review Recommend</i>
06-JS-401	JOURNEYS-Omaha (JOURNEYS Recovery Solutions & Continuing Care) (\$0)	\$43,993.00	\$0
06-JS-404	Rushville/Gordon Public Schools-Gordon (Achievers Consortium) (\$40,000)	\$40,000.00	\$0
06-JS-411	Minnechaduza Foundation-Valentine (Valentine Cherry County After School Program) (\$0)	\$46,633.00	\$0
06-JS-415	Kearney Public Schools Foundation-Kearney (Paw PRIDE) (\$0)	\$49,463.00	\$0
06-JS-420	Lincoln Southeast High School-Lincoln (2006 State Juvenile Services Grant) (\$0)	\$30,000.00	\$0
06-JS-421	Mid Plains Center for Behavioral Healthcare-Grand Island (Alternate Route) (\$0)	\$70,899.00	\$0
06-JS-422	Indian Center, Inc.-Lincoln (PRIDE) (\$0)	\$65,930.00	\$0
06-JS-427	Uta Halee Girls Village-Omaha (Intensive Aftercare Program) (\$0)	\$40,081.00	\$0

AWARD:

<i>Number</i>	<i>Agency/Title/Previous Award</i>	<i>Amount Requested</i>	<i>Staff Review Recommend</i>
06-JS-400	Lutheran Family Services-Lincoln (4 County Mentoring Program (\$33,412))	\$33,412.00	\$33,412.00
06-JS-402	Sherman County-Loup City (Youth Prevention & Diversion) (\$14,850)	\$11,138.00	\$11,138.00
06-JS-403	TeamMates-Grand Island (TeamMates Mentoring Program) (\$0)	\$9,996.00	\$9,996.00
06-JS-405	Franklin First United Methodist Church-Franklin (Franklin After School Program) (\$18,000)	\$18,623.00	\$18,000.00
06-JS-406	CEDARS Youth Services-Lincoln (CEDARS Central Nebraska Wraparound Services) (\$37,125)	\$24,750.00	\$24,750.00
06-JS-407	YWCA Adams County-Hastings (After School ZONE) (\$23,617)	\$11,808.00	\$11,808.00
06-JS-408	YWCA Adams County-Hastings (High School ZONE) (\$0)	\$18,317.00	\$18,317.00
06-JS-409	Crete Public Schools-Crete (Crete Cardinal Zone) (\$35,000)	\$35,000.00	\$35,000.00
06-JS-410	Big Brothers Big Sisters of the Midlands-Omaha (Mentoring Children of Prisoners) (\$0)	\$43,222.00	\$35,000.00
06-JS-412	Blue Valley Community Action Partnership-Fairbury (FYI After School Program) (\$0)	\$46,750.00	\$40,000.00
06-JS-413	Sidney Public Schools-Sidney (Youth As Resources) (\$30,000)	\$38,665.00	\$22,500.00
06-JS-414	GLW Children's Council-Burwell (GLW CC Juvenile Services Program) (\$30,000)	\$30,000.00	\$30,000.00
06-JS-416	Seward County Bridges-Seward (Seward Co. After School Program) (\$13,000)	\$6,500.00	\$6,500.00
06-JS-417	Camp Fire USA Midlands Council-Omaha (Action Pact South) (\$17,625)	\$8,813.00	\$8,813.00
06-JS-418	Lutheran Family Services-Omaha (Program for Children & Adolescents with Sexual Behavior Problems) (\$34,897)	\$47,000.00	\$47,000.00
06-JS-419	Girl Scouts-Homestead Council-Lincoln (STUDIO 2B After School Program) (\$50,000)	\$46,744.00	\$46,744.00
06-JS-423	Lancaster County-Lincoln (Positive Choices:Lincoln High's Anger Management Program) (\$0)	\$12,214.00	\$12,214.00
06-JS-424	I Believe In Me Ranch-Kearney (An Ounce of Prevention) (\$0)	\$28,800.00	\$28,650.00
06-JS-425	People United for Families-Nebraska City (Otoe County After School Program) (\$0)	\$43,025.00	\$35,500.00
06-JS-426	Otoe County-Nebraska City (Otoe County STARS Project) (\$22,646)	\$15,097.00	\$15,097.00
06-JS-428	Lancaster County-Lincoln (TeamMates Project MOAST) (\$0)	\$55,690.00	\$30,000.00
06-JS-429	Creighton University-Omaha (Occupations Empowering Youth) (\$0)	\$37,373.00	\$37,373.00
06-JS-430	Lancaster County-Lincoln (Skills & Asset Building in Juvenile Justice Programs) (\$0)	\$30,000.00	\$30,000.00
	TOTAL	\$1,039,936.00	\$587,812.00

Voting in favor of the motion: Arnold, Brewster, Brueggemann, Ford, Headley, Houston, Lacey, Leseberg, Overman, Pirsch, Tuma, Warren and White. Motion carried unanimously.

H. Award 2005 Juvenile Justice and Delinquency Prevention, Title II Formula Grant Funds - \$702,050

Miles-Steffens next reviewed the funds available under the 2005 Juvenile Justice and Delinquency Prevention, Title II formula grant program. With \$702,050 available for award, the Commission received 24 applications for \$1,126,649.30 which included 6 new programs. There were three accountability based programs mostly centering on electronic monitoring, three assessment center grants and a victim mediation program in Douglas County that is needed. The priorities for these funds are community-based programs and alternatives to detention programs that provide accountability. One of the main focus areas was juvenile diversion; seven of the programs selected are diversion programs.

Miles-Steffens noted that \$25,000 was awarded to the Winnebago tribe. It is required by federal statute to pass through approximately \$2,000 to one of the tribes, and the Coalition has always felt it appropriate to award enough to actually implement a program. The Winnebago tribe was the only tribe to send a grant. Miles-Steffens will be working with them on this project.

Motion

A motion was made by Tuma and seconded by Houston to award \$702,050 in Title II, 2005 Juvenile Justice and Delinquency Prevention Act formula grant funds as follows:

DENY:

<i>Number</i>	<i>Agency/Title/Previous Award</i>	<i>Amount Requested</i>	<i>Staff Review Recommend</i>
05-JJ-12	Mary Lanning Memorial Hospital-Hastings (Delinquency, Offending, & Violence Elimination) (\$0)	\$40,431.00	\$0
05-JJ-14	Mid Plains Center for Behavioral Healthcare-Grand Island (Alternate Route) (\$0)	\$70,899.00	\$0
05-JJ-16	Lancaster County-Lincoln ("Movin' on Up" Pilot Project) (\$0)	\$74,738.00	\$0
05-JJ-19	Lancaster County-Lincoln (DEFNS) (Was Title V \$10,000)	\$25,800.00	\$0
05-JJ-20	Lancaster County-Lincoln (DMC Community Empowerment) (\$0)	\$29,260.00	\$0

AWARD:

<i>Number</i>	<i>Agency/Title/Previous Award</i>	<i>Amount Requested</i>	<i>Staff Review Recommend</i>
05-JJ-01	Nebraska Crime Commission-Lincoln (Compliance Monitoring) (\$22,492)	\$30,000.00	\$30,000.00
05-JJ-02	Lutheran Family Services-Lincoln (Johnson & Pawnee Co. Juvenile Pretrial Diversion Program) (\$43,500)	\$43,500.00	\$40,884.00
05-JJ-03	Buffalo County-Kearney (Buffalo County Juvenile Diversion) (\$30,794)	\$52,247.00	\$23,065.00
05-JJ-04	Cuming County-West Point (Cuming County Diversion) (\$30,690)	\$33,739.00	\$32,500.00
05-JJ-05	CEDARS Youth Services-Lincoln (Youth As Resources) (\$36,563)	\$27,422.00	\$27,422.00
05-JJ-06	CEDARS Youth Services-Lincoln (Southwest NE Juvenile Diversion Services) (\$29,625)	\$19,750.00	\$19,750.00
05-JJ-07	Sarpy County Sheriff's Office-Papillion (Sarpy Co. Juvenile Day/Evening Reporting Center) (\$0)	\$91,116.00	\$75,000.00
05-JJ-08	Sarpy County Attorney's Office-Papillion (Sarpy Co. Pretrial Juvenile Assessment Ctr.) (\$0)	\$80,500.00	\$43,444.00
05-JJ-09	Sarpy County Sheriff's Office-Papillion (Sarpy Co. Juvenile Assessment Center) (\$23,000)	\$11,500.00	\$11,500.00
05-JJ-10	Dakota County Commissioners-Dakota City (Juvenile Electronic Monitoring) (\$8,616)	\$4,177.00	\$4,177.00
05-JJ-11	Hall County-Grand Island (Juvenile Accountability/Probation Intake Officer) (\$40,000)	\$40,000.00	\$30,000.00
05-JJ-13	Platte Valley Diversion Program-Columbus (Bilingual Diversion Officer) (\$13,320)	\$14,664.30	\$14,664.00
05-JJ-15	Winnebago Tribe-Winnebago (Traditional HoChunk Restorative Justice) (\$0)	\$102,262.00	\$25,000.00
05-JJ-17	Board of Regents of UNO-Omaha (Nebraska DMC & Evaluation Initiative) (\$69,532)	\$68,259.00	\$68,259.00
05-JJ-18	Otoe County-Nebraska City (Otoe County Juvenile Diversion Program) (\$36,000)	\$27,000.00	\$27,000.00
05-JJ-21	Douglas County-Omaha (Douglas Co./City of Omaha Juvenile Assessment Ctr.) (\$144,815)	\$96,165.00	\$96,165.00
05-JJ-22	Heartland Family Service-Omaha (Douglas County Victim Empathy Program) (\$0)	\$41,309.00	\$41,309.00
05-JJ-23	Lancaster County-Lincoln (Project Here to Overcome H2O) (\$0)	\$40,000.00	\$30,000.00
05-JJ-24	Lancaster County-Lincoln (The HUB) (\$82,549)	\$61,911.00	\$61,911.00
	TOTAL	\$1,126,649.30	\$702,050.00

Voting in favor of the motion: Arnold, Brewster, Brueggemann, Ford, Headley, Houston, Lacey, Leseberg, Overman, Pirsch, Tuma, Warren and White. Motion carried unanimously.

I. Update on BYRNE/JAG/STATE Funds

Nancy Steeves gave a brief update as to where we stand at the federal level. She stated there is a proposal in the budget resolution above the House and the Senate to include \$900 million BYRNE/JAG, which is good news for the most part because they are recognizing the need for this. However, the Senate has passed their budget resolution including the \$900 million,

the House has not yet. The House has been stalled on a couple of other issues, and hopefully they will pass their budget resolution. What is important to remember is that it does not mean it will be a part of the appropriation process, but at least we feel comfortable that they are bringing it forward and supporting it in their budget resolution. Because of this, we would anticipate they would support it once the appropriation process begins. We need to stay on top of this issue even though it may be an uphill battle again this year; however, this is the year we need to make sure something happens.

At the state level, the availability of funds has been announced, and they are down considerably from last year. There are \$509,170 for state projects and \$650,892 for local projects. There was money put into our budget from state funds, \$428,000. From this \$428,000, \$353,000 goes specifically for existing task forces to help them in their operations. This brings us up short a little more than \$155,000 from last year's amount we had available for local projects and the task forces. Even though this is down a little, it is good news.

Matt McNair reported that the Attorney General has signed a letter, along with all other State Attorney General's, to Congress asking them to restore these state funds because of its importance.

Thomas Warren posed the following question: with the state funds made available through the appropriations bill, will the same rules apply in terms of the grant application process or are we talking about a very aggressive timeline by virtue of us having to accommodate the states fiscal year?

Nancy Steeves reported that the same rules will apply. She stated that \$75,000 from the state money will be going to the Douglas County area for minority recruitment and diversity training and cannot be used for task force operations. The task forces are being told that grant applications will be required as usual, and they should plan on the amount normally needed and not worry about how much will come from state or federal dollars. Steeves reported this will be worked out through the grant review committees.

Warren stated that specific instructions need to be provided to those task forces so the funds are out the door by June 2007.

Don Overman brought before the Board that at our last meeting, Warren and the Attorney General discussed the potential of requesting \$10 million from the state for the next budget fiscal year. Warren stated that since the last meeting, things have become more encouraging and there may not be as much of a need to go to the state as originally thought.

It was determined that it would be appropriate to have a contingency plan in case these funds should fall through. Overman believes we need to take the position or stand that if the feds don't come up with the money, we want an adequate amount of money in the state budget for next year.

There was a great deal of discussion on this issue, and the Board concluded that for the next Commission meeting in July, Mike Behm will meet with the task forces on May 17, 2006 at the LECC Conference to solicit feedback or input regarding the continuation and operation of the drug task forces statewide. Behm will then draft a resolution for consideration at the next Crime Commission meeting.

Motion

A motion was made by Tuma and seconded by Arnold to direct the Commission to meet with the Task Forces on May 17, 2006 at the LECC Conference to solicit feedback or input regarding the continuation and operation of the drug task forces statewide and to offer up a resolution for consideration at the next Crime Commission meeting on July 28, 2006. Voting in favor of the motion: Arnold, Brewster, Brueggemann, Ford, Headley, Houston, Lacey, Leseberg, Overman, Pirsch, Tuma, Warren and White. Motion carried unanimously.

J. Award of 2006/2007 General Funds to Nebraska Crime Stoppers - \$13,457

Bruce Ayers reported for the period July 1, 2006 to June 30, 2007, \$13,457 in general funds is earmarked in the Commission's appropriation to be passed through to the Nebraska Crime Stoppers for its operating costs.

Motion

A motion was made by Brewster and seconded by Arnold to approve disbursement of \$13,457 in general funds to Nebraska Crime Stoppers for fiscal year 2006/2007 contingent upon receipt of the appropriation of funds by the Commission. Voting in favor of the motion: Arnold, Brewster, Brueggemann, Ford, Headley, Houston, Lacey, Leseberg, Overman, Pirsch, Tuma, Warren and White. Motion carried unanimously.

VI. OTHER BUSINESS

A. Hiring Process for Training Center Director Position

Mike Behm reported that once the Commission was notified of Lamken leaving the Training Center, he sat down with PSAC and decided what the qualifications were for the director's position. The position was advertised in major newspapers in the Midwest, and the Police Executive Research Forum was contacted who sent out 5,000 emails to help advertise the position. Through advertisement, 38 applications were received. Upon the receipt of the applications, Behm reviewed the initial prerequisites and sorted the applicants into three piles: no's, maybes and good. Behm then presented his recommendations to PSAC who reviewed and acted upon them. PSAC then reduced the applicants to 16, which would move on to the next phase of the hiring process. PSAC met again and further reviewed the remaining 16 applicants and reduced them down to six. Since this time, two of the interviewees have backed out, and there are now four remaining candidates for the position to be interviewed. The interviews will take place on May 31, 2006 and June 1, 2006. PSAC members and Behm will be on the interview Board. Each candidate will be asked the same interview questions. Once the interviews are complete, PSAC will recommend one of the candidates for the position. PSAC has the final say and will bring their recommendation to the Commission. The Commission will then review PSAC's recommendations and either approve or disprove the candidate chosen.

B. Executive Director Needs

1. Charles Brewster asked if there is anything Behm needs help with to help make his job easier and run smoother. Behm reported there are two priorities in which he feels are important and further help will be needed with. These priorities are as follows:

- **Decertification of Law Enforcement Officers**

Behm reported that he repeatedly receives recurring questions in regards to decertification's of law enforcement officers. The process is lengthy and begins when a complaint is received and then sent back and forth between Behm and the director of the Training Center. Through this correspondence, Behm then requests the complaint to be investigated. If the investigation comes back and hearings are held, then attorney(s) are selected to represent the state. Behm feels the Crime Commission is in need of funds to hire an investigator full time if we are going to continue with this method. We are increasing our numbers of decertification requests, and there is a need for someone full time to complete these investigations.

- **Task Force Funding**

Behm reemphasized the importance of reinstating the funding for the task forces. Since it was discussed in length under the state funds update, he did not go into great detail, but he did state his feelings of how important it is to have these funds reinstated. The task forces have been very successful in the past, and if it was to fail to be reinstated, it would be a crime for this state.

C. Bryan Tuma stated that varying instructors at the Training Center possess a law enforcement certification, but they are not considered sworn law enforcement officers. Tuma stated he gets asked to issue state deputy sheriffs credentials, and he is not inclined to do this because of the number of requests and the high pressure/scrutiny coming from one senator in particular on the number of requests. He understands there is activity amongst the Training Center staff to bring forward a proposal in order to have a legislative change made which would allow instructors with law enforcement certifications actually be able to be sworn law enforcement officers. Tuma posed the question to the Board asking if this is something the Commission should take a closer look at or consider. The Training Center staff feels strongly about this, and Tuma feels the Commission needs to be prepared to deal with this issue if it should arise?

Behm added that he had received information from the instructors stating that there are courses available which they would like to bring back to the Training Center, but they are ineligible because they are not sworn officers. Behm stated there could come a point and time where some of the sensitive courses regarding Homeland Security or even Fire Arm training would not be allowed because the instructors are not able to become certified to teach this at the Training Center.

It was pointed out that this is a problem that needs to be fixed legislatively. Behm also reported that there are restrictions on agency host training because you ask those in attendance to be a certified law enforcement officer, and in some cases this would eliminate some of the Training Center instructors. In many cases, an agency is not willing to take the liability to allow certification of a non commissioned officer.

William White suggested that once the new Director is hired at the Training Center, the next closest Crime Commission meeting to that date should be held at the Training Center in order to gain a little better perspective on the issues at hand.

This will be put on the agenda for the next Crime Commission meeting to work on getting this straightened out.

- D.** Robert Houston informed the Commission for future discussion that the training of jail staff comes too late and in too small of quantity. This training needs to be done prior to working in the jail. He stated he will be meeting with Mike Behm on this issue, and it could be something the Commission is faced with at a later date. Scott Arnold concurs with this issue. He stated that training of employees and the public is the key in helping them understand why inmates are treated the way they are in the jails. This is especially important in the smaller communities.

VII. ADJOURNMENT

The next scheduled meeting of the Commission will be **Friday, July 28, 2006 at 9:30 a.m. in the Nebraska State Office Building, Lincoln, Lower Level A conference room.**

There being no further business, this meeting adjourned at 10:47 a.m.

Respectfully Submitted,

Sarah J. Schoen
Administrative Assistant